



Social Studies 10

Living
Respectfully

Respecting
Diversity

Preventing
Prejudice


Using the Charter of Rights and Freedoms to Examine Issues of Discrimination


Contributor(s)

Writer: Jennifer McDonald, Mistassiniy School, Northland School Division, Wabasca, Alberta

Objective

This lesson uses the *Canadian Charter of Rights and Freedoms* to help students understand and recognize different manifestations of discrimination. The students will examine case studies and other examples of discrimination and apply them to the *Charter*. Students will then use debating skills to discuss and analyze each issue in a classroom situation. The lesson also focuses on Canada's turbulent constitutional history. This lesson includes two cases specific to aboriginal people, with controversial topics to be discussed.

 **Time:** Two–80 minute class periods (This may need to be extended depending on participation)

 **Materials** (list materials, handout titles and overhead titles) Texts and websites are listed under Supplementary Resources.

- Overhead 1: Important Terms
- Overhead 2: Our Constitution
- Handout 1: *The Canadian Charter of Rights and Freedoms*
- Handout 2: Case Studies
- Handout 3: What Would You Do?
- Handout 4: The Charter Inside Out cards
- Role Play Rubric Evaluation

Getting Started

Knowledge Now

- To make the connection from regional disparity to constitutional disparity in Canada. (The students have previously studied the disparity between Canada's regions. They will now study how these disparities have been accommodated by the Constitution.)
- To connect students to the overall outcome of responsible citizenship.
- Students will debate various discrimination cases, including aboriginal people, and Middle Eastern people.
- Students will participate in a think/pair/share activity, where they will record information they already know about Canada's constitution and then share it with a partner. The students will share all gathered information with the entire class. The teacher should record the information on the board.
- Examples of discrimination cases: (adapted from *Seeing Ourselves*)
 - A young man, Luis, who is of mixed race, was apartment hunting. He called a landlord and made an appointment to view an apartment. When Luis arrived, the landlord asked him, "What are your intentions for this apartment?" Luis asked what she meant. The woman explained that it was a one-bedroom apartment and she did not want a "bunch of people living in the apartment". Luis asked to see the apartment after explaining that it was only for him but the landlord told him the apartment had just been taken by someone else.
 - The following is an excerpt from "*Seeing Ourselves*" (p. 153). Ajit Adhopia recalls a personal experience:

My new Canadian identity was shattered on a Sunday afternoon when I was sitting in my car waiting for a friend . . . Three or four boys in their early teens walked toward me. A blonde, blue-eyed boy looked straight into my eyes and yelled "You f_____ Paki!" His friends burst into laughter. They did not run, they just walked away leisurely. Back home I was too angry and embarrassed to share the experience with my family.
 - A young man moved to the city from a rural northern town. When he started school, the administration immediately placed him a grade lower than he was supposed to be in. When his mother asked about it, the principal stated that because he was native, the school's policy was to place the students lower than normal. His justification for this was that native students struggle more than other minorities, because in his experience "all natives are illiterate."

Engaging Interest

Tell the students that they will have the chance to debate a number of topics. Remind them that the class is a safe room, and that it is okay to have an opinion as long as it does not hurt someone else.

- Provide students with the information on Overhead 2: Our Constitution. Ask them if there is a constitution in the school. What does the constitution include? Why do constitutions exist?
- When the students have answered the questions, have them think about the following question: How does it make you feel that Canada needed the approval of the British parliament to make changes to its constitution?

Learning Activities

1. Review with students the important information or terms from overhead 1 and 2. You may choose to do this in a number of ways, including overhead notes, lecture, lecturing review or a think/pair/share based on the overhead notes. Later, you may choose to play a game with terms such as Jeopardy, using the activity as a review. Remind the students that this knowledge will help them defend their positions.
2. Handout copies of the *Canadian Charter of Rights and Freedoms* (handout 1). Review each right that the charter entails, making the students aware of how the charter works to protect their rights as citizens in Canada. In order to make this relevant and help the students further understand the Charter, hand out cards with a relevant issue for discussion. For example, to help students discuss arbitrary imprisonment, give a group a card with the following question: “Can you be thrown in a holding cell for being drunk in public?” Handout 4 gives examples of cards to use for certain aspects of the charter.
3. Handout copies of Case Studies (handout 2). Divide your class into groups of four. Assign each group a case. After students have had an opportunity to formulate arguments for both sides of the case, ask them to create a role-play that shows both sides. Give the class the opportunity to respond to the role-plays

Assessment/Analysis

- When a student makes a point, ask how it applies to the *Charter of Rights and Freedoms* to test their understanding of the charter and its elements.
- Question students during the role-play. Have them apply previous knowledge.
- Use the rubric provided to evaluate the role-plays. Each individual teacher may wish to create their own evaluation rubric. A helpful website is listed under Supplementary Resources.

Application

- Assign Handout 3: What Would You Do? In this assignment, the students are given an actual case and are expected to analyze it and make a decision based on their previous and new knowledge of the *Charter of Rights and Freedoms*.

Activities for Extension and/or Integration

- This lesson could also be used to study civil rights.
- Skills gained can be used for a human rights debate when discussing the UN, or at a mock UN session.

Subject and Level Learner Outcomes

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- Regional differences are accommodated in different ways. (federalism and equalization)
- Respect for and tolerance and understanding of individuals, groups and cultures
- Respecting the dignity and worth of oneself and others
- Responsible citizenship

Theme II: Regionalism

- Canada is composed of geographic regions with diverse political, economic and cultural interests
- Canada’s political, economic and social fabric is influenced by geography
- Regional differences both strengthen and challenge Canadian unity

Theme III: Identity

- Canadian identity is shaped by values, attitudes and cultures that have evolved from our history and geography

Safe and Caring Topics and Concepts

Respecting Diversity and Preventing Prejudice

- Respecting Human Rights
- Stereotypes Limit Our Perception and Understanding of Other People
- Stereotyping Leads to Prejudice, Discrimination, and Conflict

Living Respectfully

- Understanding Conflict, Peace, Justice and Violence
- Defining Respect

Teaching Strategies

	Cooperative Learning	Inquiry Learning	Direct Instruction
Go to www.sacsc.ca for <i>resources/strategies</i> for strategy descriptions	<ul style="list-style-type: none">• Think/Pair/Share	<ul style="list-style-type: none">• Problem Solving	<ul style="list-style-type: none">• Lecture

Generalization and Transfer	Peer Teaching	Empathy/Affective Education	General Teaching Activities/Ideas
	<ul style="list-style-type: none">• Role Play		<ul style="list-style-type: none">• Teachable moments (students may come up with their own cases)• Brainstorming

Supplementary Resources

List texts (provide complete bibliography), websites and other sources that support this lesson or unit plan.

James, Carl. 2003. *Seeing Ourselves: Exploring Race, Ethnicity and Culture*. Toronto: Thompson Educational Publishing.

Eaton, D. and G. Newman. 1994. *Canada: A Nation Unfolding*. Toronto: McGraw-Hill Ryerson.

This website is helpful for assessment rubrics:

- <http://school.discovery.com/schrockguide/assess.html>

This website is the reference for Student Handout 1:

- <http://laws.justice.gc.ca/en/charter/index/html>

Overhead 1

Important Terms

Constitution: A set of rules that determine how a country will be governed. Until 1982, no changes could be made to the Canadian Constitution without the approval of the British Parliament.

British North America Act (BNA Act, 1867) united Upper and Lower Canada, New Brunswick and Nova Scotia into a federation known as the Dominion of Canada. It gave Canada its Constitutional rules. Also known as the **Constitution Act**, it contains written and unwritten parts:

Written	Unwritten
<ul style="list-style-type: none">• Describes the authority and functioning of parliament and the provincial legislatures.• An amending formula	<ul style="list-style-type: none">• Recognizes the monarch as the head of state• The office of the Prime Minister• The political parties• The election acts

Britain's power under the BNA Act included

- sole power to amend the constitution,
- ownership of Crown lands,
- control of trade relations,
- control of Foreign relations and
- control of legal system: Canada's highest court, Judicial Committee of the Privy Council, was British

At repatriation, the BNA Act was renamed the Constitution Act, 1867 and was copied into the Constitution Act, 1982, along with the Charter of Rights and Freedoms and an amending clause

Overhead 2

Our Constitution

- Founders of confederation chose a federal system wherein powers were shared between a central and a regional government.
- 1931: The Statute of Westminster gave legal recognition to full independence for Canada.
- 1947: Canadian citizenship was defined as different from British citizenship.
- 1949: Canadian parliament was given the power to amend the BNA Act.
- 1927–1980: Ten negotiations on the amending formula.

Student Handout 1

THE CANADIAN CHARTER OF RIGHTS AND FREEDOMS

GUARANTEE OF RIGHTS AND FREEDOMS

1. The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

FUNDAMENTAL FREEDOMS

2. Everyone has the following fundamental freedoms:
 - a. Freedom of conscience and religion;
 - b. Freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication;
 - c. Freedom of peaceful assembly; and
 - d. Freedom of association.

DEMOCRATIC RIGHTS

3. Every citizen of Canada has the right to vote in an election of members of the House of Commons or of a legislative assembly and to be qualified for membership therein.

LEGAL RIGHTS

4. Everyone has the right to life, liberty and security if the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.
5. Everyone has the right to be secure against unreasonable search or seizure.
6. Everyone has the right not to be arbitrarily detained or imprisoned.
7. Everyone has the right on arrest or detention
 - a. To be informed promptly of the reasons therefore;
 - b. To retain and instruct counsel without delay and to be informed of that right; and
 - c. To have the validity of the detention determined by way of habeas corpus and to be released if the detention is not lawful.

EQUALITY RIGHTS

8. (1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

OFFICIAL LANGUAGES OF CANADA

9. (1) English and French are the official languages of Canada and have equality of status and equal rights and privileges as to their use in all institutions of the Parliament and government of Canada.

GENERAL

10. Notwithstanding anything in this Charter, the rights and freedoms referred to in it are guaranteed equally to male and female persons.

HANDOUT 2

CASE STUDIES

Use the following case studies as background information for your debate. Be sure to form an opinion based on fact. Use the Charter of Rights and Freedoms as your background information. Read the cases carefully, and discuss with your group what you think. Be prepared to bring your opinion back to the rest of the class.

CASE STUDY 1

Salim Singh, a Sikh, chose to be baptized at the age of 16 years and committed himself to fulfilling the responsibilities of his faith and the five K's. These K's require that a male Sikh must wear:

- long hair (this is referred to as kesh);
- a comb (khangra) as a symbol of a clean mind and body;
- a steel bangle (kara) as a symbol of purity;
- a special kind of underwear (kachh) as a symbol of purity of character; and
- a sword (kirpan) as protective Armour and a symbol of primal power.

Salim had an accident at work and was required to get treatment at a Workers Compensation Centre. He wore his kirpan to the pool where his treatment was held, and although he left it in the locker room, other patients complained that Salim was wearing a weapon. He was told not to wear it to the centre again. Salim complained to the Human Rights Commission, claiming he was being discriminated against on the basis of his religion.

CASE STUDY 2

Lisa Smith was a 21-year-old university student who wanted to rent an apartment. She answered a classified ad that listed a 3-bedroom apartment for rent. When she went to meet the manager, he refused to rent to her because she was a student. He told her that university students are always late with rent and have parties that disturb other tenants. Lisa claims she was being discriminated against because of her sex and age.

CASE STUDY 3

A married woman applied for a loan to buy a car. She had a very good credit rating and always paid her credit card bill on time. Her husband, however, did not, and had poor credit rating. When the woman went to the car financing company, they denied her because of her husband's bad credit. She claimed she was being discriminated against because she is a woman.

CASE STUDY 4

Mark is a 56-year-old male who would like to adopt a child with his partner, Adam. Mark and Adam went to 10 adoption agencies to find a child and were turned down at each one. Mark claims he and Adam were being discriminated against because of their gender.

CASE STUDY 5

Nathan is an 18-year-old native man, who has recently graduated from high school. When he applied for university, he failed to mention that he was a Status Indian. Unfortunately, he was not accepted. When he reapplied he noted his treaty status and was immediately accepted into the program of his choice. His band agreed to pay the full costs of his education. When Nathan attended his first class a debate was started on the rights of natives in education. One student stated that native people should have to pay for their education. Nathan defended his people and was verbally attacked by the student. The professor did nothing, as he later stated he felt the attack was “justified”. Nathan complained that the university and the professor were infringing on his equality rights.

CASE STUDY 6

Angela is a 30-year-old woman from a southern Alberta reserve. She wanted to attend college, but couldn't afford it because she was a single mother with five children. When she applied for financial assistance (welfare) the lady at the counter said “You're just like the rest of them! Lazy and nothing but a drunk, your application is denied.” Angela left and complained to the Alberta government that she was a victim of discrimination.

*These cases are adapted from:

Eaton, D. and G. Newman. 1994. *Canada: A Nation Unfolding*. Toronto: McGraw-Hill Ryerson p. 21-23.

HANDOUT 3

What Would You Do?

Below is an actual case taken from a law book. Read the case and its specifics and come up with a ruling on this case.

A sixteen-year-old boy in British Columbia was expelled from school after his locker was searched and the principal found four grams of marijuana in his jacket. The boy was in class at the time and was not informed of the search until after it had occurred. The school frequently had drug searches as it was in a poor neighbourhood. The expulsion was based on the school board's policy to expel a student in possession of a narcotic substance for a minimum of five months, or for the remainder of the school year.

The student took the school board to court, claiming that his rights were violated. He stated that the search was illegal, and the principal had no right to go into his locker. The principal claims that it is her responsibility to maintain order and discipline and states that she had reasonable grounds for the search and seizure, and warning the student would have defeated the purpose of the search.

What do you think? How would you rule if you were the judge in this case? How can you back up your decision?

Choose one of the following activities:

1. Write a 1-2 page judgment for this case. Be specific as to how you would rule and why.
2. Create a political cartoon that comments on the case. You will need to take a stand to create a valid cartoon.

Handout 4

“The Charter Inside Out Cards”

Charter Issue: Arbitrary Imprisonment

Can you be thrown in a holding cell for being drunk in public? Under what circumstances is this acceptable?

Charter Issue: Equal Protection Under the Law

Two men are convicted of killing their wives in the same manner. One man is sent to prison for fifteen years with the chance for parole in seven, the other is sent to prison for life with no chance of parole. The man with the more severe sentence is native. The judge said he would be more likely to commit the crime again if he returned to the reserve. How does this violate the right of equality?

Charter Issue: Search and Seizure

A woman is pulled over for speeding. The RCMP constable tells her to get out of her SUV. He then proceeds to search the vehicle. He finds a gun under the seat and arrests her. What right does this violate and why?

Role Play Rubric Evaluation

You can evaluate your students on their work using the three-point rubric:

Three points: Student showed compassion, consideration and understanding when completing the role play. Student was able to think through the case and develop mature, responsible and appropriate responses. Student was able to apply the *Charter of Rights and Freedoms* to the case and recognize what may have been violated.

Two points: Student showed compassion during role play, but was unclear of what the particular case was about. Student showed little understanding of the *Charter of Rights and Freedoms* and is unable to justify his or her judgment, opinion.

One point: Student does not show respect or understanding during the role play. Displays no understanding of the *Charter of Rights and Freedoms* violation and shows immaturity when completing the assignment.